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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,103	07/19/2001	Serge Ioffe	005642.P004	1697

7590

02/23/2005

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EXAMINER

LE, UYEN T

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/910,103	LOFFE, SERGE	
	Examiner	Art Unit	
	Uyen T. Le	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8,10-13 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10-13 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's submission of a new oath/declaration to correct the date of priority claimed is acknowledged. Consequently, objection to the oath/declaration is withdrawn.
2. Applicant's confirmation of inventor's last name IOFFE is acknowledged.
3. Applicant's amendment to the drawings is incomplete because box 100 has not been labeled "first application" in Figures 2, 3. It is noted that Figures 1, 2 have not been labeled "prior art" as described in the specification.
4. Applicant's arguments regarding claims 1, 7, 13 have been fully considered but they are moot in view of the new grounds of rejection presented in this Office Action. Applicant seems to argue the claims as amended. Applicant presents no further arguments regarding claims 2, 4-6, 8, 10-12, 17-20 except they depend from claims 1, 7, 13.

Drawings

5. The drawings are objected to because box 100 in Figures 2, 3 has not been labeled. Furthermore, Figures 1, 2 should be labeled "Prior Art" as indicated at paragraphs 0011, 0012 of the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1, 2, 4-8, 10-13, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Briscoe et al (US 5,696,961) of record, further in view of applicant's admitted prior art at paragraphs 0011, 0012.

Regarding claim 1, Briscoe discloses all the claimed subject matter (see Figures 1, 3, 4, column 2, line 40- column 4, line 10) except the amended limitations of the first application is run within a data center and the second application is run dataless at an application service provider. The claimed interface module connected to the first and second databases connected to a first application is met by elements 34, 40. The claimed second application connected to the interface module is met by element 12. The claimed translating data formats from the second application and the first and second databases within the interface module to allow data to be processed without a local database for the second application merely reads on the fact that the method of Briscoe provides a middle layer between application programs 12 and databases 20 such that application programs and databases communicate but the databases are not functionally aware of particular operations of the sources of requests for database operations or of the sources or destinations of data (see column 5, lines 10- column 6, line 61). Thus, Briscoe clearly discloses that the second application run dataless. Although Briscoe does not specifically show the first application run at the data server and the second application run at the application service provider, it is well known in the art as admitted by applicant to do so (see Figures 1, 2 of instant application). Therefore, it would have been obvious to one of ordinary skill in the art to add the claimed

limitations while implementing the method of Briscoe in order to apply the principles taught by Briscoe to existing systems.

Claim 7 corresponds to a computer program product for claim 1, thus is rejected for the same reasons stated in claim 1 above.

Claim 13 essentially recites a system for the method of claim 1, thus is rejected for the same reasons stated in claim 1 above.

Regarding claims 2, 4-6, 8, 10-12, 17-20, Briscoe clearly teaches the concept of flexibility in where the major components of the invention reside in the system (see column 6, lines 43-61). Therefore, it would have been obvious to one of ordinary skill in the art to include the claimed features while implementing the method, product and system of Briscoe depending on users' requirements.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen T. Le whose telephone number is 571-272-4021. The examiner can normally be reached on M-F 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

22 February 2005



UYEN LE
PRIMARY EXAMINER